

Judge	
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UNITED STATES DISTRICT COURT
IN THE ~~COURT OF~~
SOUTHERN DISTRICT OF ~~COLUMBIA~~, OHIO
WESTERN DIVISION

03 SEP -2 PM 1:13

JOHN W PEROTTI~~Plaintiff~~ PetitionerPO Box 5600Cleveland, Ohio 44101~~Address~~

Vs.

Harold CARTER~~Defendant~~ - Respondent~~Address~~Case No. C-100-527Judge: DIOTT

MOTION FOR RELIEF FROM
JUDGMENT OF MAY 14, 28, 2003
R&R OF MAGISTRATE JUDGMENT

Comes The ~~pro se~~ petitioner, Mr Perotti,
pursuant to Rule 60 of The Federal Rules of
Civil Procedure, who moves the Court
for relief from the JUDGMENT OF
THE REPORT & RECOMMENDATION OF MAGISTRATE
JACK SHERMAN JR, AND JUDGE DIOTT'S
Adaptation of The same, as set
forth in the attached memorandum

Respectfully Submitted,

John W. Peretta
~~Defendant~~ ~~Prose~~ ~~Peritance~~
P.O. Box 5600

Cleveland, Ohio 44101
Address/PO Box Number

MEMORANDUM IN SUPPORT OF MOTION

- ① Pettinen was unable to respond to the May 14, 2003, May 28, 2003 Report & Recommendation of Magistrate Jack Sherman IR due to missing case files, illness and problems re-adjusting to Society after 21 years imprisonment.
- ② Pettinen was arrested on July 9, 2003 and has a parole holder on him subjecting him to the 22-60 year sentence he was serving, and parole revocation proceedings constituting a "Live case in controversy" and example of "capable of repetition yet evading review" that cannot be reviewed as the issues are no longer a "moot". Pettinen is back under respondent's "control", thus, moves the court to rescind it's dismissal with prejudice due to mootness and certify all legal issues to be ruled on the merits.
- ③ The respondents will rely upon the erroneous information in his prison record at the revocation hearing. OAC 5120-9-31/33 and DRC Policy 203 based on 42 U.S.C. § 1981 "Institutionalized Persons Act" prohibits all references to grievances and documents seeking redress for grievances from being in one's prison file - Thus, the injunction should have been granted. Pettinen will suffer irreparable harm in the future revocation hearing based on this erroneous information.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent by regular U.S. Mail to:

AA6 Street Care, Franklin County

at 140 E TOWN ST, COLUMBUS, OH.

On this 23 day of August, 2003


Defendant, Pro-Se